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May 29, 2003

CERTIFICATE OF MAILING 37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

May 29, 2003

Gina N. Shishima

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Re:

SN 10/067,104 entitled "METHODS AND COMPOSITIONS FOR PROMOTING

## Commissioner:

A return postcard to acknowledge receipt of these materials. Please date stamp (2) and mail this postcard.

It is believed that no fee is due. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/TOLT:006USD4.

Very truly yours,

Gina N. Shishima

Reg. No. 45,104

GNS/lb **Enclosures** 

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## CERTIFICATE OF MAILING 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

May 28, 2003

Gina N. Shishima

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bluestone

Serial No.: 10/067,104

Filed: February 4, 2002

For: METHODS AND COMPOSITIONS FOR

PROMOTING IMMUNOPOTENTIATION

Group Art Unit: 1644

Examiner: Dibrino, Marianne

Atty. Dkt. No.: TOLT:006USD4

## **RESPONSE TO ACTION DATED MAY 6, 2003**

Commissioner for Patents Washington, D.C. 20231

Commissioner:

EGH GENTER 1600/2900

This paper is submitted in response to the Action dated May 6, 2003 for which the date for response is June 6, 2003.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/TOLT:006USD4.

In response to the Action requiring two species elections, Applicant elects, without traverse, the following species:

1) for the immunopotentiating protein, OKT3;

2) for the second compound having an epitope, a tumor-specific or tumor-associated antigen.

Claims 1, 5-8, 14, 15, 26, 27, 28, and 29 read upon the elected species 1). While claims 16-25 also read upon the elected species 1), these claims implicate elected species 2). Claims 16-18 and 26-29 read upon elected species 2). Claims 1-15 also read upon the elected species 2), but they implicate elected species 1). Therefore, claims 1, 5-8, 14, 15, 16-18, and 26-29 read upon both elected species.

The Examiner is invited to contact the undersigned attorney at (512) 536-3081 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Gina N. Shishima Reg. No. 45,104

Attorney for Applicant

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Date:

May 28, 2003